

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ERIK M. WEEKLY, Register No. 526098,)

Plaintiff,)

v.)

No. 06-4089-CV-C-NKL

MIKE CAHALIN, et al.,)

Defendants.)

ORDER

On June 18, 2007, United States Magistrate Judge William A. Knox recommended that defendants' motion for summary judgment be granted and plaintiff's claims be dismissed. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on July 5, 2007. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. Plaintiff's request in his letter dated July 9, 2007, seeking a hearing to clarify the issues addressed in the Report and Recommendation, and for an extension of time to file any necessary additional motions is denied. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff's July 9, 2007 request for a hearing and an extension of time is denied. [37] It is further

ORDERED that the Report and Recommendation of June 18, 2007, is adopted. [35] It is further

ORDERED that defendants' motion for summary judgment is granted and plaintiff's claims are dismissed. [30]

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: July 16, 2007
Jefferson City, Missouri